

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

TYRONE A. LASTER,

Petitioner,

v.

Case No. 8:22-cv-527-WFJ-JSS

SECRETARY, DEPARTMENT OF
CORRECTIONS,

Respondent.

_____/

ORDER

Mr. Laster, a Florida prisoner, filed a Motion to Extend Time to File Writ (Doc. 1) in which he moves the Court to extend the deadline imposed by the applicable statute of limitations for federal habeas petitions. Mr. Laster, however, failed to file a habeas petition to initiate an action.

Rule 3, Fed.R.Civ.P., provides that “[a] civil action is commenced by filing a complaint with the court.” Moreover, because Mr. Laster has not filed a federal habeas petition challenging his confinement, and there are no adverse parties and no disputes for the Court to adjudicate, he essentially seeks an advisory opinion regarding the timeliness of a federal habeas petition he may file in the future. This Court lacks authority to render advisory opinions. *See Preiser v. Newkirk*, 422 U.S. 395, 401 (1975) (“The exercise of judicial power under Art. III of the Constitution depends on the

existence of a case or controversy. . . a federal court [lacks] the power to render advisory opinions. . . .”) (internal citation omitted). *See also United States v. Leon*, 203 F.3d 162, 163 (2d Cir. 2000) (holding that a federal court lacks jurisdiction to consider a motion to extend the time to file a motion to vacate sentence under 28 U.S.C. § 2255 when no such motion to vacate has actually been filed, “because there is no ‘case’ or ‘controversy’ within the meaning of Article III of the Constitution.”).

Accordingly:

1. This case is **DISMISSED** without prejudice to Mr. Laster filing a petition for the writ of habeas corpus and his motion in a new case with a new case number.
2. The **Clerk of Court** shall close this case.

ORDERED in Tampa, Florida, on March 10, 2022.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

Copy to: Tyrone A. Laster, *pro se*